

Charter Basics

Town Manager/Town Administrator Form

In Massachusetts local government there are many different forms of government that have been established. The vast majority of these forms are based on certain fundamental principals but have variations based on the needs of the community. These needs could be based on politics, economic needs or needs simply based on the size of the community. In short, no one form of government is established as a “one size fits all”. The Town Manager Form of government is the strongest of all town forms of government in terms of the level of central authority vested in one person. The Town Administrator is the next strongest form though it must be noted that some Town Administrator Forms may be equally as strong, or stronger than some Town Manager forms. The most important elements of a charter to determine the strength of a position are contained in the following sections: *Division of Powers, the Town Manager/Town Administrator Qualifications; Powers and Duties and Appointing Authority.*

- **Division of Powers**

This section of the charter describes the separation of local government powers.

Example: *All legislative powers of the town shall be exercised by a town meeting open to all voters. The administration of all town fiscal, prudential and municipal affairs shall be vested in the executive branch comprised of a town manager and elected, independent boards pursuant to their enabling legislation.*

Typically, this language speaks to how the legislative and executive authority of the Town is formed and how the authority is distributed. In the example given, this language speaks to an Open Town Meeting form of legislative authority with the Town Manager serving as the chief executive authority and all other elected boards and authorities as the chief policy making authorities. The other possible forms of legislative authority include an elected Town Meeting Representative form and a Town Council form.

- **Town Manager/Town Administrator Qualifications**

This section of a charter describes the level of qualifications for a position with this level of authority. The level of experience can certainly vary based on the level of authority placed in this position. A Town Administrator might have a little less experience in a weaker charter form. The same can be said of a weak Town Manager charter. Conversely, some communities are very clear about the minimum qualifications that must be met for a manager to be considered. Some examples of charter language are the following:

Example: *The selectmen elected as provided herein shall appoint, as soon as practicable, for a term of three years, a town manager who shall be a person especially fitted, in their opinion, by education, training and experience to perform the duties of the office.*

In some instances, the qualifications of a Town Manager/Town Administrator are much more explicit in that they may require a minimum amount of education, experience, and credentials. A second example of such language is as follows:

The Town Manager shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The Town Manager shall have a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or related field; at least seven (7) years experience in an upper level executive municipal position; or equivalent combination of education and experience. An ICMA credentialed manager is preferred.

- **Power and Duties**

Example: *The town manager shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town manager is given responsibility under the charter. The powers, duties and responsibilities of the town manager shall include, but not be limited to, the following:*

- (a) to supervise, direct and be responsible for the efficient administration of all employees appointed by the town manager and their respective departments and of all functions for which the town manager is given responsibility, authority or control by the charter, by by-law, by town meeting vote or by the board of selectmen;*
- (b) to administer, either directly or through persons supervised by the town manager, general and special laws applicable to the town, all by-laws and all regulations established by the board of selectmen;*
- (c) to coordinate all activities of town departments under the direction of the board of selectmen and the town manager with the activities of departments under the control of officers, boards or commissions elected directly by the voters of the town;*
- (d) to keep the board of selectmen fully informed as to the needs of the town and to recommend to the selectmen for adoption, such measures requiring action by them or by the town as the town manager deems necessary or expedient;*
- (e) to ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen as may be required;*
- (f) to administer personnel policies, practices or rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the town, except for school department agreements;*

- (g) to fix the compensation of all town employees appointed by the town manager within the limits established by appropriation and any applicable compensation plan;*
- (h) to negotiate all contracts with town employees over wages and other terms and conditions of employment, except employees of the school department; provided, however, that the town manager may employ, subject to the approval of the board of selectmen, special counsel to assist in the performance of these duties;*
- (i) to prepare and submit an annual operating budget and capital improvement program as provided in sections _____ and _____;*
- (j) to keep the board of selectmen and the finance committee fully informed as to the financial condition of the town and to make recommendations to the board of selectmen and to other elected and appointed officials as the town manager deems necessary or expedient;*
- (k) to investigate or inquire into the affairs of any town department or office under the supervision of the town manager or the job-related conduct of any officer or employee thereof; and*
- (l) to perform such other duties as necessary or as may be assigned by the charter, by by-law, by town meeting vote or by the board of selectmen.*

Each of the duties listed above may have some level of variation from Town to Town but are generally atypical of the responsibilities of a Town Manager. For example in some instances the Town Manager may negotiate contracts and collective bargaining agreements with employees but may have to have the agreement approved by the Board of Selectmen. In other instances, the Town Manager has sole responsibility for negotiating the agreements.

- **Appointing Authority**

In most instances, this is where the significant differences lie with respect to the variations between a Town Manager or a Town Administrator. In instances involving a strong Town Manager Charter, the Town Manager has sole and exclusive authority in appointing most if not all town employees and department heads. Such appointments may sometimes be subject to some level of oversight or veto authority. A good example of such is the following:

Example: *As provided for in this Act, appoint and remove all non-elected department heads, approve the appointment and removal of all other employees except employees of the school department. The town manager shall consult with the appropriate elected or appointed board, commission, committee, or official prior to making such department head appointments or removals. Appointments to such department head positions shall become effective on the twentieth day following the day notice of appointment or removal is filed with the board of selectmen, unless the board of selectmen shall within that twenty (20) day period, by at least a majority vote of the current elected members, vote to reject said appointment or removal, or sooner, by at least a majority vote of the current elected members, vote to affirm said appointment or removal.*